

REMARKS

This responds to the Office Action dated February 7, 2007. Claims 1, 24, and 51 are amended. No claims are canceled. Claims 57-63 are added. As a result, claims 1, 3-24, 26-32, and 51-63 are now pending in this patent application. Applicant respectfully submits that support for the amendments is found generally within the specification (*see*, e.g., pg. 6, lines 15-19).

Telephonic Interview

Applicant thanks Examiner Kahelin for extending the courtesy of a telephonic interview with Applicant's counsel, Suneel Arora, on May 8, 2007. Claim 1 was discussed, along with Shahandeh U.S. Patent No. 6,532,389. Although no final agreement was reached on the claims, Applicant believes that the present claim amendments distinguish over Shahendah's checking a parity bit for a memory error and, if present, then further locating and correcting the memory error as shown and described with respect to FIG. 7. As such, Applicant believes that the present claims are now allowable. However, if upon further review by the Examiner, the Examiner feels that the present claim amendments are insufficient to overcome Shahendah, then Applicant's counsel respectfully request a further opportunity to discuss the claims with the Examiner to determine whether any further minor claim amendments are suitable to reach agreement as to the claims.

§102 Rejection of the Claims

Claims 1, 6, 7, 11, 18-22, 24, 25, 29, 30, 51, 53 and 55 were rejected under 35 U.S.C. § 102(b) for anticipation by Shahandeh (U.S. Patent No. 6,532,389). Applicant has amended the claims to overcome this rejection.

Shahendeh apparently detects a parity bit to determine whether a memory error exists and, if so, Shahendeh then further delves into a particular page, rows, columns, or the like, to further locate and correct the error. Thus, Shahendeh apparently does not increase a rate of overall checking of all locations of the memory per time period in response to a determination that the device has entered a high radiation environment. Instead, Shahendeh apparently merely

looks more closely at particular regions of the memory to locate and correct the error. By contrast, the present claims are directed toward checking the overall memory more often when the device is in a high radiation environment—because of the increased risk of memory errors that exists when the device is in a high radiation environment. Shahendeh does not do this. Instead, Shahendeh apparently merely takes a closer look at the memory to determine the location of a memory upon detecting a memory error.

Accordingly, Applicant respectfully requests reconsideration and allowance of claims 1, 6, 7, 11, 18-22, 24, 25, 29, 30, 51, 53 and 55.

§103 Rejection of the Claims

1. Claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Shahandeh (U.S. Patent No. 6,532,389). Applicant respectfully traverses on the ground that no *prima facie* case of obviousness presently exists with respect to this claim because all elements presently recited or incorporated in this claim, as amended, are apparently not disclosed, taught, or even suggested by Shahandeh for the reasons discussed above with respect to the § 102 rejection.

2. Claims 3, 10, 13, 14, 16, 17, 26-28, 32, 52, 54 and 56 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shahandeh (U.S. Patent No. 6,532,389) in view of Foster et al. (U.S. Patent Application Publication No. 2003/0036776). Applicant respectfully traverses on the ground that no *prima facie* case of obviousness presently exists with respect to these claims because all presently elements recited or incorporated in these claims, as amended, are not disclosed, taught, or even suggested by Shahandeh and/or Foster, for the reasons discussed above with respect to the § 102 rejection. Accordingly, Applicant respectfully requests withdrawal of this basis of rejection of these claims.

3. Claim 15 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Shahandeh (U.S. Patent No. 6,532,389) in view of Foster et al. (U.S. Patent Application Publication No. 2003/0036776) as applied to claim 13 above, and further in view of Linberg (U.S. Patent Application Publication No. 2002/0032470). Applicant respectfully traverses on the ground that no *prima facie* case of obviousness presently exists with respect to this claim because all

elements presently recited or incorporated in this claim, as amended, are apparently not disclosed, taught, or even suggested by Shahandeh, Foster, and/or Lindberg for the reasons discussed above with respect to the § 102 rejection. Accordingly, Applicant respectfully requests withdrawal of this basis of rejection of this claim.

4. Claim 23 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Shahandeh (U.S. Patent No. 6,532,389) in view of Ullestад et al. (U.S. Patent No. 6,635,048). Applicant respectfully traverses on the ground that no *prima facie* case of obviousness presently exists with respect to this claim because all elements presently recited or incorporated in this claim, as amended, are apparently not disclosed, taught, or even suggested by Shahandeh and/or Ullestad for the reasons discussed above with respect to the § 102 rejection. Accordingly, Applicant respectfully requests withdrawal of this basis of rejection of this claim.

Allowable Subject Matter

Claims 4, 5, 8, 9, 26 and 31 were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, Applicant is submitting new claims 57-63. Applicant respectfully requests allowance of such new claims.

Reservation of Rights

In the interest of clarity and brevity, Applicant may not have equally addressed every assertion made in the Office Action, however, this does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.116 – EXPEDITED PROCEDURE

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Title: SYSTEM AND METHOD FOR RECOVERY FROM MEMORY ERRORS IN A MEDICAL DEVICE

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manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

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CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 373-6951 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date May 16, 2007

By



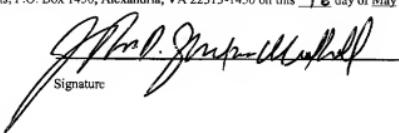
Suneel Arora

Reg. No. 42,267

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 16 day of May 2007.

Talm R. Gartner - W. Thell

Name



Signature